

Notice of Allowability

Application No.

09/917,505

Examiner

Rip A. Lee

Applicant(s)

CINELLI ET AL.

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to September 2, 2004.
2. ☒ The allowed claim(s) is/are 1-14 and 19.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Allowable Subject Matter

This notice follows a response filed on September 2, 2004. Claims 1-14 and 19 are pending. A second declaration under 37 C.F.R. 1.132 was filed with Applicant's response. The prosecution history has been reviewed in detail, and an allowance of claims has been issued hereforth.

The following is an examiner's statement of reasons for allowance: Claims 1-14 and 19 are allowed over the closest reference, WO 98/28014 to Cinelli *et al.*

The present invention is drawn to an adhesive composition in which the adhesive has an initial peel strength (P_I) and a final peel strength (P_F) after exposure to water wherein the ratio P_I/P_F is from 2:1 to 1:4 and wherein said adhesive has a water absorption capacity of at least 3 wt %. The adhesive is formed from a polymer being at least partially crosslinked during polymerization by low energy radiation.

The prior art of Cinelli *et al.* relates to an adhesive comprised of 45-99.5 wt % of plasticizer selected from water, alcohols, or glycols, and 0.5-20 wt % of a polymeric compound selected from polyacrylics, polyvinyl alcohols, polyethylene oxides, and polyvinyl pyrrolidones. Mixed phase compositions, one in which both hydrophobic and hydrophilic components, possibly in both plasticizers and polymers, form two or more separate phases, are preferred for adhesives of the invention. The adhesive is characterized by the parameters G''_{25} , G'_{37} , and G''_{37} . The viscous modulus is related to thickness C according to the equation $G''_{25} \leq [(4.26 + C)1605]$ Pa. The adhesive also possesses G'_{37} in the range of 1500-20,000 Pa and G''_{37} in the range of 100-15,000 Pa. There is no indication of the peel strength or water absorption capacity of the adhesives.

The difference between the adhesive of the instant claims and that of the prior art lies not solely in its properties, but according to Applicants, in the method by which the adhesive is formed. It is incumbent, then, on Applicants to show any unobviousness differences between the two inventions at hand.

Applicants point out that Cinelli *et al.* discusses physical crosslinking by non-irradiative methods. Moreover, the prior art does not show that crosslinking occurs during polymerization of the adhesive precursors. Rather, the polymer appears to be subjected to crosslinking in a post-processing step. Applicants submit *via* declaration that the method and sequence of crosslinking influences the stability of the polymer network to an increase in the moisture content of the adhesive. This is critical in minimizing the impact of moisture absorption on the peel strength of the adhesive. The preponderance of evidence rests with Applicants, and therefore, the burden of showing of nonobvious results over the prior art has been met.

Consequently, it is deemed that the instant invention is not disclosed or made obvious in the teachings of Cinelli *et al.*

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rip A. Lee whose telephone number is (571)272-1104. The examiner can be reached on Monday through Friday from 9:00 AM - 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu, can be reached at (571)272-1114. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <<http://pair-direct.uspto.gov>>. Should you have questions on the access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

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December 10, 2004



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